

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-10226

ONE 2003 CHEVROLET AVALANCHE, et al.,

Defendants *in Rem.*

**ORDER (1) VACATING IN PART ORDER GRANTING MOTION TO WAIVE LOCAL
COUNSEL REQUIREMENTS, (2) DENYING MOTION TO WAIVE THE LOCAL
COUNSEL REQUIREMENTS, AND (3) SETTING DEADLINE FOR CLAIMANTS
ALBERT AND JUDITH HODGSON TO OBTAIN LOCAL COUNSEL**

On November 22, 2010, the court granted attorney Robert Barnes's motion on behalf of Claimants¹ Albert and Judith Hodgson to waive the local counsel requirement. In that same order, the court directed Claimants to file a response to the Government's "Motion for Entry of an Order to Partially Reopen the Civil Case for the Sole Purpose of Allowing the Interlocutory Sale" of certain Defendants *in Rem*. The deadline for responding has passed, and Claimants have not responded. Not only has Mr. Barnes failed to respond to the Government's motion as ordered by the court, he has not returned the calls of the court's case manager and has also ignored several inquiries by counsel for the Government, as set forth in the Government's motion. (Gov't's Mot. ¶¶ 20-22.) Despite the court's attempt to reduce costs in this matter by waiving the local counsel requirement, Mr. Barnes has demonstrated that he is incapable, or unwilling, to

¹ Pacificherbal, LLC, has also filed a Notice of Claim in this matter. The use of "Claimants" in this order refers only to Albert and Judith Hodgson, and not to Pacificherbal, LLC.

comply with the local rules of this district and the orders of this court. In the absence of any explanation, this behavior is careless at best and obstructionist at worst. The court will vacate its previous order granting Claimants' motion and waiving the local counsel requirement, deny Claimants' motion, and require Claimants to obtain local counsel by **January 14, 2011**. See E.D. Mich. LR 83.20(f). The Government's motion to partially reopen the case will be granted in a separate order. Accordingly,

IT IS ORDERED that the court's November 22, 2010, order is VACATED IN PART. It is vacated insofar as it granted Claimants' motion to waive the local counsel requirement.

IT IS FURTHER ORDERED that Claimants' "Motion to Waive the Local Counsel Requirements of Local Rule 83.20(f)" [Dkt. # 17] is DENIED.

Finally, IT IS ORDERED that Claimants Albert and Judith Hodgson obtain local counsel by **January 14, 2011**. Local counsel must file a notice of appearance on the docket by that date.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 27, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 27, 2010, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522